



# MAYOR AND COUNCIL AGENDA

NO. 7

DEPT.: Community Planning and Development Services /  
Contact: Cas Chasten, Planner III

DATE: 12/8/04

**ACTION:** Discussion and Instructions to Staff for the request to allow development of the property located at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses approved under Preliminary Development Plan PDP1994-0001E.

Applicant: Rockville Renaissance West, LLC

## ACTION STATUS:

**FOR THE MEETING OF:** 12/6/04

INTRODUCED 9/20/04

PUB. HEARING 11/1/04

INSTRUCTIONS

APPROVED

EFFECTIVE

**ROCKVILLE CITY CODE,**

CHAPTER

SECTION

☐ CONSENT AGENDA

**RECOMMENDATION:** Continue discussion of the application from the December 6, 2004 meeting and provide instructions to staff regarding further action on the item.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

This proposal represents a change in the land use approved for the property identified as Block 3/Parcel 2-J, initially approved under Preliminary Development Plan PDP1994-0001, Rockville City Inc., approved by the Planning Commission on April 27, 1994.

## BACKGROUND

During the November 1, 2004 public hearing, the Mayor and Council raised a number of issues and concerns with the development proposal which included, but was not limited to, the following:

- Vehicular parking calculations for the overall PDP project site area and those for the subject parcel.
- The percentage of retail space approved for the overall PDP site area and that proposed for the subject parcel.
- The proposed height and massing of the proposed buildings along Renaissance Street and East Montgomery Avenue.
- Proposed sidewalk widths were viewed to not be consistent with other projects previously approved for the Town Center, etc.

The applicant submitted a revised plan on November 30, 2004 and follow-up information on December 6, 2004 to address concerns raised at the November 1, 2004 public hearing. These

changes include:

1. Reducing the dwelling units from 285 to 260. The Mayor and Council did not express concerns on this issue.
2. Increasing retail space from 20,000 to 23,000 square feet. Individuals on the Mayor and Council indicated that this was an improvement but would like to explore opportunities to increase it.
3. Increasing the depth of retail on East Montgomery Avenue and Renaissance Street to 50 feet. Individuals on the Mayor and Council generally indicated support for the increase with some interest in increasing the total amount.
4. Reduced height along Renaissance Street from 170 to 151.5 feet (above the 448 foot level) with an increased setback. The Mayor and Council indicated concern about the height of the building, the impact on nearby development, the relationship to proposed buildings on the east side of Renaissance Street, and the desire to have the mass moved more to the center of the block.
5. Reduced height along Middle Lane from 125 to 93.5 feet (above the 448 foot level). The Mayor and Council indicated general concerns about building height but did not specifically express concerns about this height.
6. Increased sidewalks on Maryland Avenue, E. Montgomery Avenue, and Renaissance Street from 15 to 20 feet wide by shifting the building five (5) feet to the east and removing parking spaces in the garage. The Mayor and Council expressed support for this change.

In addition, the Mayor and Council raised the following concerns at its December 6, 2004 meeting:

- Design and status of Renaissance Street; and
- Compatibility of the subject proposal with that of the future development of the abutting Block 2/Parcel 2K site; and
- Truck turning movements via the loading dock onto Middle Lane and Maryland Avenue.

The Mayor and Council voted to defer formal discussion and instruction on this matter, asking that it be scheduled for the upcoming December 13, 2004 meeting. The Mayor and Council requested that the applicant evaluate opportunities to address the noted concerns. The applicant's response will be discussed during the December 13, 2004 meeting. Additional attachments (Circle Pages 1 thru 15) are included in this packet, which reflects information on the amended proposal, as well as a letter of support from the Rockville Chamber of Commerce that was submitted into the public hearing record.

**PREPARED BY:**

*Castor D. Chasten*

Castor D. Chasten, Planner III

**APPROVE:**

*Robert J. Spaulding*  
Robert J. Spaulding, AICP Chief of Planning

*12/8/04*  
Date

*Arthur D. Chambers*  
Arthur D. Chambers, AICP Director, CPDS

*12/8/04*  
Date

*Scott Ullery*  
Scott Ullery, City Manager

*12/8/04*  
Date

**LIST OF ATTACHMENTS:**

1. Revised Site Development Proposal and Additional Information (Circle Page 1)
2. Rockville Chamber of Commerce Letter (Circle Page 15)
3. December 6, 2004 Agenda Sheet (Without Attachments) (Circle Page 16)

Planshare/mcbriefbook/1101/M&C-AG.Akridge3.doc

AREA = PARCEL 2-J 65,905 S.F. or 1.8 AC.  
ZONE = DM-2  
USE = RESTAURANT, HOSPITAL & RETAIL

[illegible][illegible]

File Type	Accession no. 22	Packing Programme	Rec'd # of Saves	Rec'd # of Revisions
Standard Files	Asus/PPQ/MS			
Commodore 64 (CRK)	12/1/85		123,16	147
Commodore 64 (CRK)	12/1/85		123,16	147
Commodore 64 (CRK)	12/1/85		123,16	147

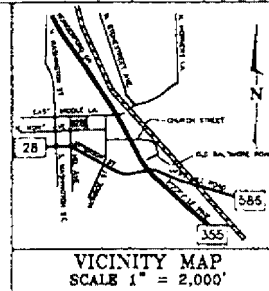
Work & Payroll List		Amounts	
Excess Labor Estimate Amount	1,400 of	per 30C of	38 53
Remittance Space - Children	506 of	per 30C of	219 49
Remittance Space - Employees	58	per 2 comp	14 6
Remittance Space - Children	2,175 of	per 30C of	60 24

Travel Expenses (including Parking)	100
Supplies (including Postage, Reproduction of Forms)	200
and Travel Parking, Telephone, Mass Transportation, etc.	100

Transaction or Event	AP	Prepaid Insurance	Insurance Expense	Prepaid Insurance
<b>Journal Entries</b>				
Office	12/10/07	200.00 of	41.6	23.3
Private Center Club	12/10/07	100.00 of	64	38
Club Restaurant - Transit	1/20/08	1 year 1 emp	2	1
12/31 Balance	NA	NA	NA	NA
<b>May 12, 2008</b>				
Private Center Club	2/24/08	1 year 2 emp	62.6	24
Private Restaurant	30 emp	1 year 1 emp	1	9
Office	1/24/08	200.00 of	87	52
Transit	200 of	1 year 200 of	4	3
Restaurant	643/2000 200	200 30 of 2000	10	10
Restaurant Restaurant	200 200	1 year 200 of	20	18
Transit			1730	204

City	Overhead Demand	Overhead Supply	Overhead Demand	Overhead Supply	Net Flow
Office	100	11	11	16	0
House Carrier	9	1	18	18	0
Police	31	15	67	43	0
Waste Transfer	2	24	24	24	0
Transfer	10	38	30	30	0
Monitor St.	118	174	58	18	10
Net			1	1	0
Rebalanced	0	125	290	730	305
Total	260	494	494	494	0

Block 1 Parcel 24 (P24) 40-00071	475
Block 2 Parcel 24 (P24) 40-00069	156
Block 3 Parcel 24 (P24) 40-00070	70
Block 4 Parcel 24 (P24) 40-00071	30
Block 5 Parcel 24 (P24) 40-00072	0
<b>Total PDP Spaces Provided =</b>	<b>731 Spaces</b>
<b>Surplus Spaces =</b>	<b>174 Spaces</b>



VICINITY MAP  
SCALE 1" = 2,000

PARCEL 2-F  
ROCKVILLE JOHN CENTER  
P.B. 174 P.No. 18531

TRUCK STREET

PARCEL 2-4  
MID-CITY URBAN  
RENEWAL PROJECT  
P.B. 86  
P.No. 0662

RECEIVED  
DEC 06 2004  
COMMUNITY PLANNING  
AND DEVELOPMENT SERVICES

## ATTACHMENT "1"

HEIGHTS SHOWN ARE MEASURED FROM THE 445  
FOOT ELEVATION ABOVE EAST MONTGOMERY AVENUE SIDEWALK  
AS FOLLOWS:

BOMERY AVENUE - 102'  
 AVENUE - 102'  
 - 102'  
 - 150'

REVISIONS		
NO.	DATE	DESCRIPTION
10-18-04		REV. PROPOSED UNITS AND PARKING
12-8-04		REV. PROPOSED AREAS, UNITS AND PARKING

4TH E.D. CITY OF ROCKVILLE - MONTGOMERY COUNTY - MARYLAND



222C Wighman Road, Suite 700  
Montgomery Village, Maryland  
20886 '779

Macris, Hendricks & Glascock, P.A.  
Engineers • Planners  
Landscape Architects • Surveyors

Phone: 301.875.0240  
Fax: 301.846.0283  
[www.mhga.com](http://www.mhga.com)

Proj. Mgr. WDP	Designer WDP
Date 8-3-04	Scale 1" = 30'
Project No. 03-325-01	Sheet 1 of 1

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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*except as noted:*  
\* Virginia also      \* D.C. only  
\* Maryland only    \* Retired

Writer's Direct Dial Number:

301-230-5224  
nregelin@srgpe.com

November 30, 2004

HAND DELIVERED  
Mayor and Council of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: Modifications to PDP94-001  
Rockville Renaissance West -- Applicant  
(Akridge Project)  
Our File No. 109-673-002



Dear Mr. Mayor and Councilmembers:

On behalf of the Applicant, Rockville Renaissance West, and to address the comments made at the public hearing on November 1, 2004, we are submitting a modification to the plan for Block 3/ Parcel 2-J. The proposed modifications further reduce the size and density of the project.

In summary:

- The number of dwelling units is reduced from 285 to 260.
- The square footage of first floor retail is increased from 20,000 sf to 23,000 sf.
- The depth of the retail space on E. Montgomery and Renaissance has been increased wherever possible to approximately 50 ft.
- The height on Renaissance Street is reduced to 160 feet above the E. Montgomery Avenue sidewalk (150 feet with a 10' high penthouse level) (*for comparison this is a 19' reduction from the 448' elevation zoning height shown on the PDP at the public hearing which was 170' and is now reduced to 151.5'*). The Renaissance Street façade is set back 5 feet at the top of the 7<sup>th</sup> floor and the penthouses are setback an additional 7 feet. The stack of units along Renaissance Street is setback in the north-south axis from both Middle Lane and E. Montgomery Avenue (see the second attachment).

November 30, 2004

- The height on Middle Lane is reduced to 102' above East Montgomery Avenue sidewalk (this is 92' plus a 10' penthouse level setback 7' from the building façade) *(for comparison this is a reduction of 31' from the 448' elevation zoning height shown on the PDP at the public hearing which was 125' and is now reduced to 93.5')*
- The sidewalks on Maryland, E. Montgomery Avenue and Renaissance Street have been increased to 20 feet wide. This was accomplished by shifting the building east five feet and reducing parking on the first floor of the garage. Maryland Avenue now has 5 feet of private sidewalk immediately adjacent to the building for outdoor dining.

Attached is a section through Maryland Avenue to Renaissance Street that highlights the sidewalk, retail and building elements. Please note the building façade setback on Maryland Avenue and the two setbacks on Renaissance Street. This section shows the wider sidewalk on Maryland Avenue and the deeper retail along Renaissance Street. The proposed Renaissance Street section shows a proposed 20' sidewalk on the west side and two vehicular travel lanes. The east side of Renaissance Street can either include a wider sidewalk or a parking lane and a sidewalk.

Also attached is a second section cut through East Montgomery Avenue to Middle Lane which shows how the stack of units on Renaissance Street are centered in the block, setback from both Middle Lane and E. Montgomery Avenue. As one can see from the section, in order to construct the ramping system in the garage, have a wider sidewalk on E. Montgomery, and an appropriate depth of retail at the corner of Middle Lane and Maryland Avenue, the sidewalk on Middle Lane is 15 feet.

A first floor site plan is submitted as well that shows the increased depth of retail on E. Montgomery Avenue and Renaissance Street and the wider sidewalks.

As discussed at the public hearing, the Mayor and Council may wish to consider abandonment of part of the right of way within the Maryland Avenue sidewalk to allow greater flexibility in the location of outdoor dining to attract a wider range of restaurants with licenses. This would make the sidewalk ownership and use in this block similar to those in Town Square. Further, this would eliminate City responsibility for sidewalk maintenance and repair over the structured parking which is to be built in the subterranean easement under the sidewalk in Maryland Avenue.

In order to accomplish the foregoing, the Applicant requests that the conditions proposed by staff for public utility easements be set at: i) a 7' PUE on Middle Lane (this would be in addition to the existing 7' sidewalk in the Middle Lane right of way under which utilities could be routed) and ii) a 5' PUE on Maryland Avenue in accordance with the Subterranean Easement.

SHULMAN  
ROGERS  
GANDAL  
PORDY &  
ECKER, P.A.

Page Three

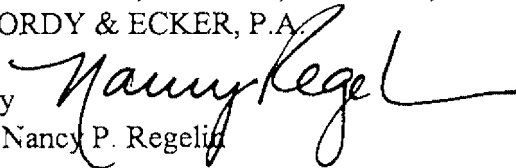
November 30, 2004

The revision of the Preliminary Development Plan to conform to these modifications will be filed before the record closes.

Very truly yours,  
SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

By

Nancy P. Regelin

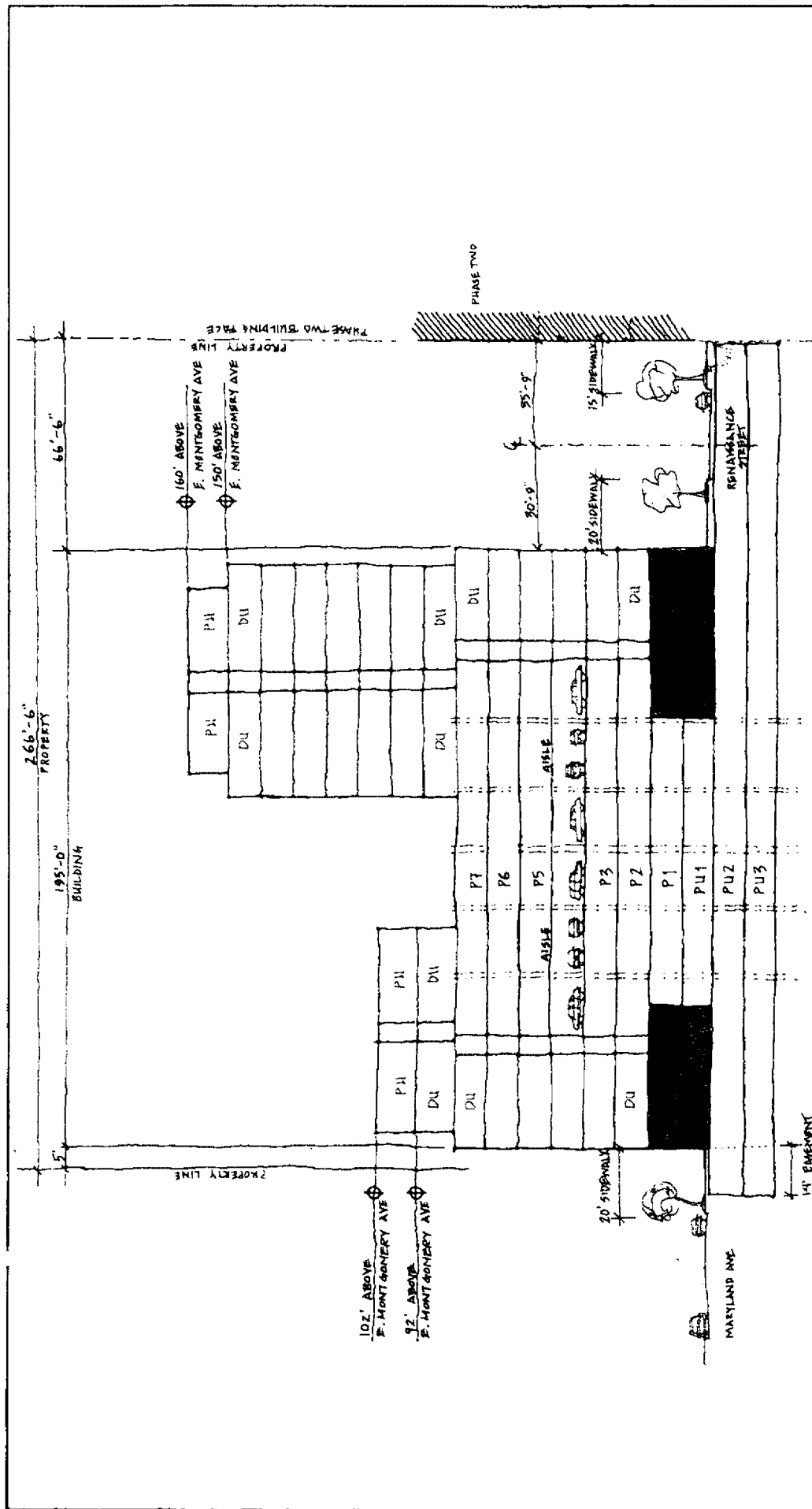


NPR47\BlackacreAkridge\RRWRecord113004

Cc: Mr. Robert Spalding

Akridge

Blackacre



COOPER CARRY

ARCHITECTS

1010 N. 10TH ST.  
SUITE 100  
ARLINGTON, VA 22201  
703.244.1111



# Building Section

**THE FITZGERALD**

Rockville, Maryland

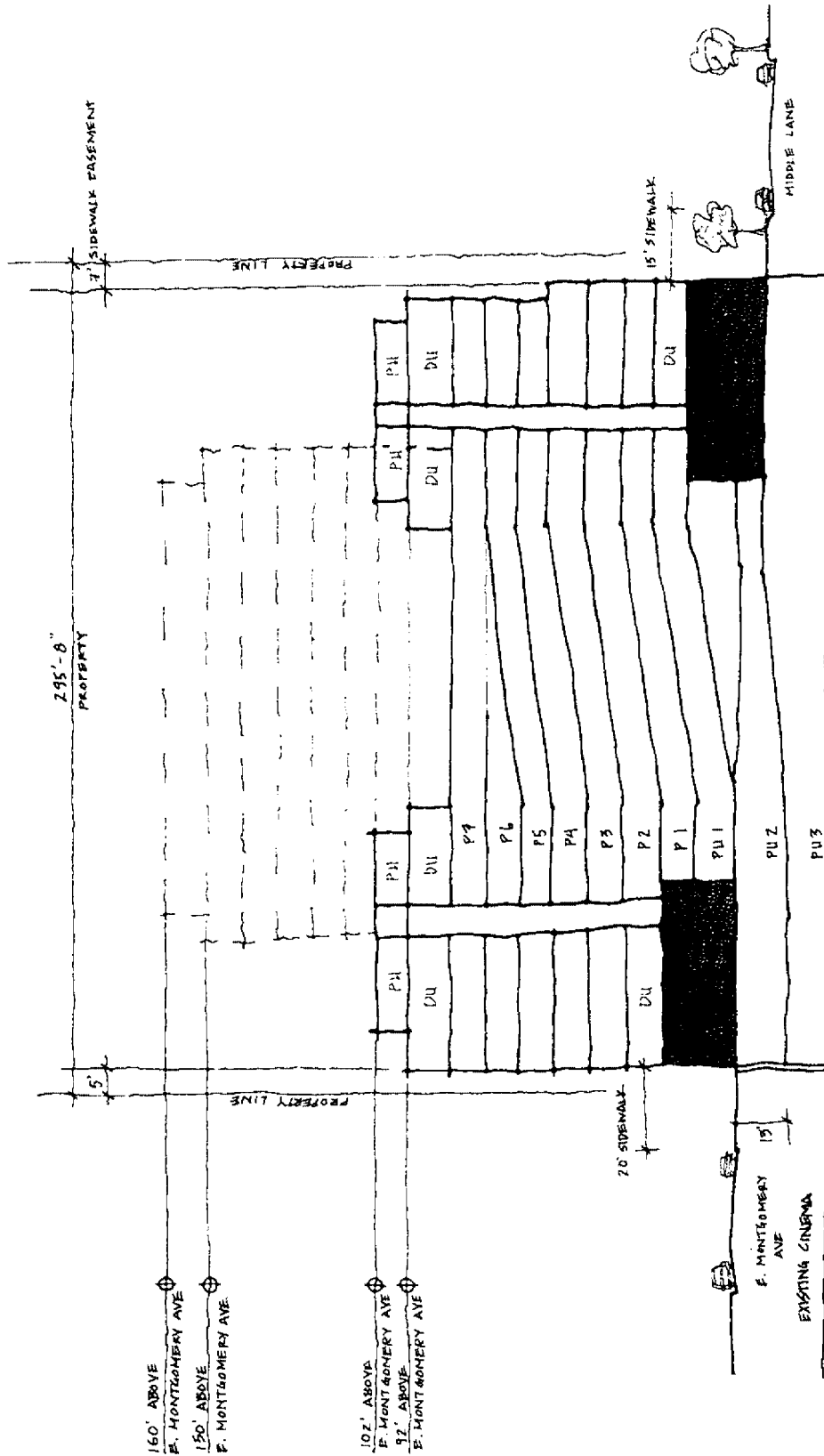
Sidewalk Study

Rockville Renaissance West, LLC

**Akridge**  
Washington, DC

November 22, 2004





COOPER CARR  
ARCHITECTS

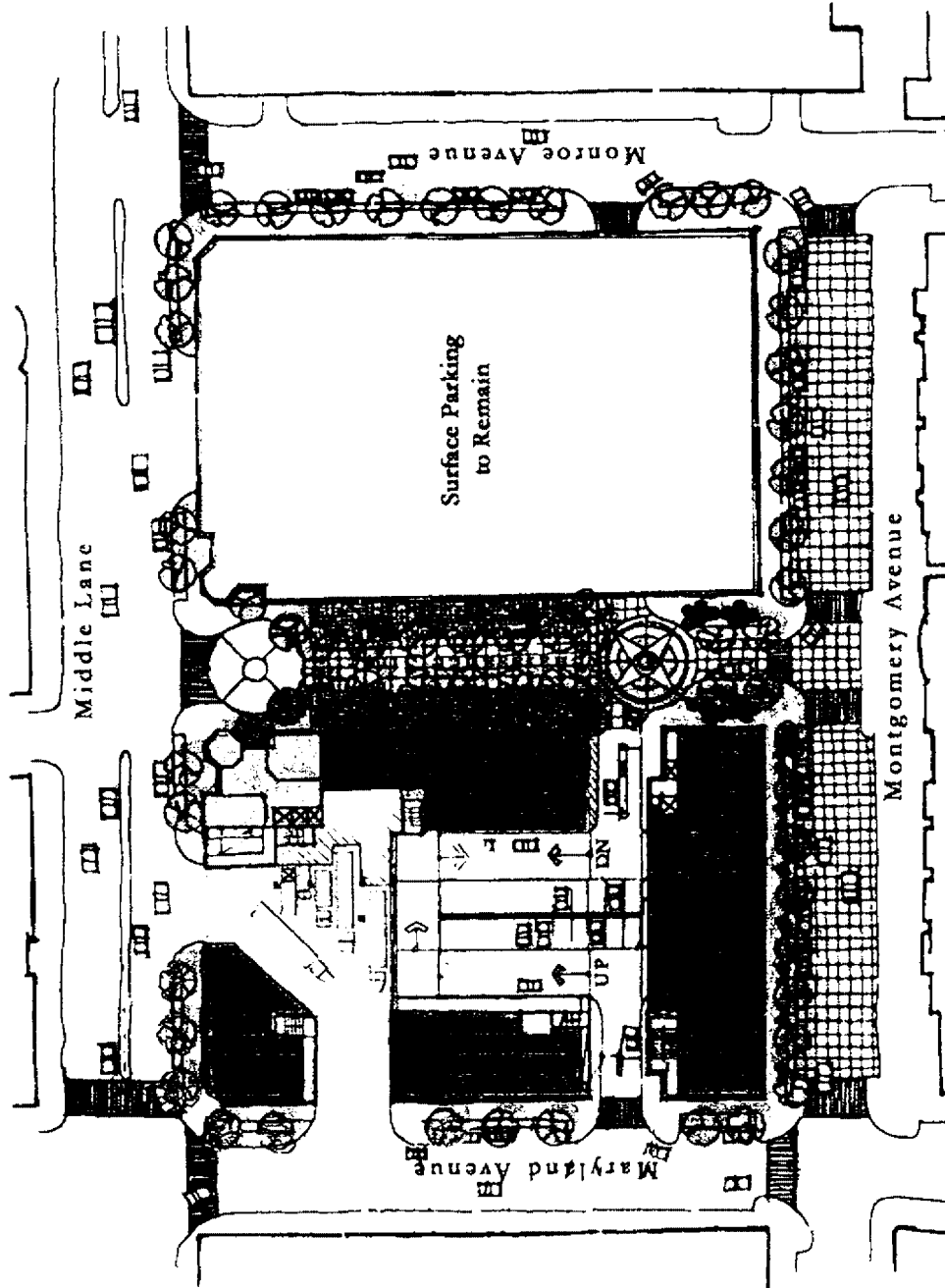
Building Section

Rockville Renaissance West, LLC  
**Akridge**  
Washington, DC

**THE FITZGERALD**  
Rockville, Maryland

November 22, 2004

Sidewalk Study



COOPER CURRY  
ARCHITECTS

Building Section

# THE FITZGERALD

Rockville, Maryland

Sidewalk Study

Rockville Renaissance West, LLC

**Akridge**  
Washington, DC

November 22, 2004

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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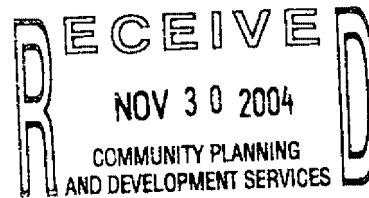
Writer's Direct Dial Number:

301-230-5224  
nregelin@srgpe.com

November 30, 2004

HAND DELIVERED  
Mayor and Council of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: For the Record of PDP94-001  
Rockville Renaissance West – Applicant  
(Akridge Project)  
Our File No. 109-673-002

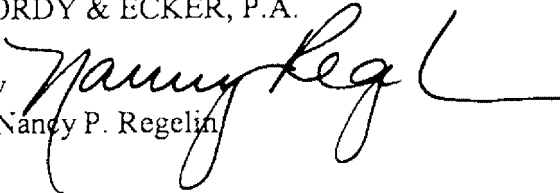


Dear Mr. Mayor and Councilmembers:

On behalf of the Applicant, Rockville Renaissance West, we are submitting the following documents into the record of the amendment of Preliminary Development Plan PDP94-001:

1. Affidavit of Posting.
2. Letter from Madison Retail on the viability of second floor retail.

Very truly yours,  
SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

By   
Nancy P. Regelin

NPR47\Blackacre\Akridge\RRWRecord\113004B  
Cc: Mr. Robert Spalding  
Akridge  
Blackacre



### AFFIDAVIT OF POSTING

I HEREBY CERTIFY THAT I placed or caused to be placed upon the property which is the subject of Application No. POP-94-001 the sign furnished by the City of Rockville; that the sign was posted within three days after acceptance for filing of said application, within ten feet of the boundary line which abuts the most traveled public road, or if no road abuts thereon, then facing in such a manner as may be most readily seen by the public; that I inspected the property at least once a week and that on each and every occasion through the date of the public hearing; the sign was in place, or if the sign was damaged, destroyed, or removed, that such sign was repaired or replaced within five days of the inspection which resulted in the discovery of the damage to, or destruction or removal of the sign.

I understand that the sign is to be maintained in the same position until after I have been notified of the decision on said application, and the sign is to be returned to the office of the City Clerk within five days hereafter.

Nancy Legelin  
Applicant Attorney for Applicant

Subscribed and sworn to before me, a Notary Public in and for the State of Maryland, County of Montgomery  
on this 15<sup>th</sup> day of November, 2006

Rebecca Barrett  
Notary Public

My Commission Expires

REBECCA L. BARRETT  
NOTARY PUBLIC STATE OF MARYLAND  
My Commission Expires June 28, 2006



1850 M Street, NW • 12<sup>th</sup> Floor • Washington, D.C. 20036  
(202) 730-2000 • (202) 730-2030 Fax  
[www.madisonretailgroup.com](http://www.madisonretailgroup.com)

November 8, 2004

Mr. Chris Ciliberti  
Akridge  
601 13<sup>th</sup> Street, NW  
Suite 300 North  
Washington, D.C. 20005  
[cciliberti@akridge.com](mailto:cciliberti@akridge.com)

**RE: Two Level Retail  
The Fitzgerald  
Rockville, Maryland**

Dear Chris:

As a follow up to the Rockville City Planning Commission meeting on October 27<sup>th</sup>, I want to clarify my position that in the case of Downtown Rockville, two level space for retailers will not be desired.

Retailers do not desire two level retail because:

1. Two level retail creates inefficient layout for the store.
2. Customers do not like to go up or down to shop.
3. Costs to operate two level store is much higher (more security and employees required, build out costs, etc.)

A good example where two level retail has failed in an evolving urban retail market similar to Downtown Rockville is in Clarendon, Virginia. At the Market Common at Clarendon (which is one of the most successful retail developments in Northern Virginia) two second floor restaurants – both name brands – have failed. Big Bowl has closed and Bertucci's is attempting to terminate their lease. The reasons for these failures are very poor sales due to poor accessibility as well as competition located on first floor.

The exception where two level spaces have had some success has been with larger retailers such as bookstores and health clubs. The specific problem in placing these tenants in an urban mixed used project such as The Fitzgerald is that a two level bookstore needs at least 14,000 – 15,000 square feet on the first floor and the same on a second floor. The Fitzgerald simply does not have the space to accommodate this need.

Hopefully this helpful in understanding why two level retail is very difficult to contend with and economically risky for the project. Please contact me if you have any other questions or comments.

Best regards,

MADISON RETAIL GROUP, LLC

A handwritten signature in black ink, appearing to read 'Eric C. Rubin', written in a cursive style.

Eric C. Rubin  
Principal

# SHULMAN ROGERS GANDAL PORDY & ECKER, P.A.

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*except as noted:*  
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\* Maryland only    \* Retired

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December 6, 2004

HAND DELIVERED  
Mayor and Council of Rockville  
111 Maryland Avenue  
Rockville, Maryland 20850

Re: For the Record of PDP94-001  
Rockville Renaissance West – Applicant  
(Akridge Project)  
Our File No. 109-673-002

Dear Mr. Mayor and Councilmembers:

On behalf of the Applicant, Rockville Renaissance West, we are submitting the following documents into the record of the amendment of Preliminary Development Plan PDP94-001:

1. Revised Preliminary Development Plan (10 copies) for the 260 unit project.
2. Updated Traffic Statement from Kimley-Horn Consultants for the 260 units.

Very truly yours,  
SHULMAN, ROGERS, GANDAL,  
PORDY & ECKER, P.A.

By   
Nancy P. Regelin

NPR\47\BlackacreAkridge\RRWRecord\20604

Cc: Mr. Robert Spalding  
Akridge  
Blackacre



Kimley-Horn  
and Associates, Inc.

## MEMORANDUM

Suite 450  
19755 Sunrise Valley Drive  
Herndon, Virginia  
20171

To: Christopher Ciliberti  
Akridge for Rockville Renaissance West LLC

From: Edward Y. Papazian, P.E. *EYP*  
Kimley-Horn and Associates, Inc.

Date: December 2, 2004

Subject: Rockville Town Center Parcel 2J  
(noted on PDP94-001 as "Lot 3")  
Preliminary Development Plan 94-001, as amended  
Traffic Statement

This memorandum serves as a traffic statement for the proposed amendment to the preliminary development plan for Parcel 2J (PDP Lot 3) in Rockville Town Center. This is a revision to previous traffic statements and reflects feedback received at worksessions and hearings before the Mayor & Council and the Planning Commission.

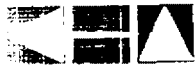
Rockville Renaissance West as successor to former owner Rockville Center, Inc. has Preliminary Development Plan (PDP94-001) approval for 1,466,622 square feet of non residential space and 117 residential dwelling units over 5 lots. At the time of PDP approval, traffic generation for all proposed development was reviewed and traffic mitigation conditions approved. The traffic generated from the approved PDP has been included as background traffic in all subsequent Rockville Town Center development approvals, including Foulger-Pratt and Town Square.

Parcel 2J (PDP Lot 3) is located on the block bounded by Renaissance Street to the east, East Middle Lane to the north, East Montgomery Avenue to the south, and Maryland Avenue to the west. This parcel is approved for 368,575 square feet of office and 36,750 square feet of retail for a total of 405,325 square feet of non-residential space.

The proposed development under this amendment for this parcel consists of 260 high-rise condominium residential units and 23,000 square feet of retail space.

This traffic statement will demonstrate that the proposed development of Parcel 2J will result in a significant reduction in peak hour trips from the approved plan. The comparison of trip generation was performed in the following manner.





1. The trip generation for the currently approved plan on Parcel 2J was based on the trip generation rates used in the traffic studies for the PDP<sup>1</sup>.
2. The trip generation for the proposed plan was based on use of Institute of Transportation Engineers (ITE) Trip Generation Report, 7<sup>th</sup> Edition.

Table 1 shows a comparison of AM and PM peak hour trip generation for the approved plan and for the proposed plan for Parcel 2J.

Table 1 Trip Generation Comparison							
		AM Peak Hour			PM Peak Hour		
Approved Plan		In	Out	Two-Way	In	Out	Two-Way
Office 368,575 SF		225	33	258	59	265	324
Retail 36,750 SF		-	-	-	37	37	74
<b>Total</b>		225	33	258	96	302	398
	<b>Land Use Code</b>						
Proposed Plan							
Highrise Condominiums 260 DU's	232	20	84	104	64	40	104
Retail 23,000 SF	814	10	6	16	27	35	62
<b>Total</b>		30	90	120	91	75	166

These results indicate that the proposed plan will result in significantly fewer peak hour trips than would result from the approved plan for this lot. The proposed plan will result in approximately 50 to 60 percent fewer trips than were in the approved plan for this lot. The AM peak hour trips will be reduced from 258 to 120 and the PM peak hour trips will be reduced from 398 to 166. This significant reduction in the number of trips will have a positive effect on all area intersections. Of particular note is that there will be a significant change in the orientation of traffic, with more than an 85 percent reduction in inbound trips in the AM peak hour. This will result in a significant reduction at one of the key traffic pressure points in the Town Center area, namely the MD 355 intersection with Middle Lane and the northbound left turn from MD 355 onto Middle Lane.

<sup>1</sup> Revised Traffic Analysis for Rockville Center, April 8, 1994 memorandum, prepared by Edward Y. Papazian, Barton Aschman Associates, Inc.

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December 6, 2004

Mayor and Council  
City of Rockville  
111 Maryland Avenue  
Rockville, MD 20850

Re: Preliminary Development Plan PDP94-001  
Akridge Project: "The Fitzgerald," East Montgomery Avenue, Rockville Town Center

Dear Mayor and Council:

I am writing in support of the amendment to Preliminary Development Plan PDP94-001, submitted by the Akridge Company known as "The Fitzgerald" located on East Montgomery Avenue, in the Rockville Town Center and the proposed change to the development mix from office uses to increased residential.

Traffic issues can only be helped by creating more housing within areas of existing development. Redevelopment sites such as this, to boost the already lacking housing supply in such an urbanized area, are "smart growth" and are needed. Here is just such a place. I understand that the housing shortage needs to be met inside metro areas. The housing shortage is validated by recent prices, pent up demand as well the growth in jobs in the area. We need to allow for the supply of these housing units to meet the demands and where else but in the City.

It is fitting that the Council consider this amendment, because it has the best chance to complement the already ongoing development of Town Center and add to the excitement of place. The project with 260 dwelling units, 23,000 square feet of street level retail/ restaurant all make this an import ingredient for the City and compliment to Town Center. The affordable housing component also create housing diversity for those who need this type of help and the 15% MPDU requirement make the City a leader.

Action by the City Council will be consistent with the Master Plan, and will provide a diverse mix of housing types and buildings including mid-rise and high-rise in Town Center. I, on behalf of the Rockville Chamber, encourage you to approve the Akridge project.

Sincerely,

John E. Kraus, Rockville Chamber of Commerce

**ATTACHMENT "2"**



# MAYOR AND COUNCIL AGENDA

NO. 24

DEPT.: Community Planning and Development Services /  
Contact: Cas Chasten, Planner III

DATE: 11/22/04

**ACTION:** Discussion and Instructions to Staff for the request to allow development of the property located at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses approved under Preliminary Development Plan PDP1994-0001E.

Applicant: Rockville Renaissance West, LLC

## ACTION STATUS:

**FOR THE MEETING OF:** 12/6/04

INTRODUCED 9/20/04

PUB. HEARING 11/1/04

INSTRUCTIONS

APPROVED

EFFECTIVE

**ROCKVILLE CITY CODE,**

CHAPTER

SECTION

☐ CONSENT AGENDA

**RECOMMENDATION:** Discuss the application and provide instructions to staff regarding further action on the item.

**IMPACT:** ☐ Environmental ☐ Fiscal ☐ Neighborhood ☒ Other:

This proposal represents a change in the land use approved for the property identified as Block 3/Parcel 2-J, initially approved under Preliminary Development Plan PDP1994-0001, Rockville City Inc., approved by the Planning Commission on April 27, 1994.

**BACKGROUND:** In accordance with Section 25-682(b) of the City of Rockville Zoning Ordinance, a joint work session was held on September 20, 2004, between the Mayor & Council and Planning Commission to discuss the referenced preliminary development plan. The applicant seeks approval to develop the property at 196 East Montgomery Avenue for residential and retail land use in lieu of the office and retail land uses initially approved under PDP1994-0001.

Under PDP1994-0001, the subject property, which is formally identified as Block 3/Parcel 2-J, is currently approved for the development of 362,875 square feet of office space and 36,750 square feet of retail space. In the applicant's initial submission of PDP1994-0001E, the development plan called for the construction of a high rise residential development containing 292 condominium units, seven townhouse/loft type units, 17,340 square feet of retail space, and structured parking facilities. After receiving feedback from the Mayor & Council and Planning Commission at the joint work session held on September 20, 2004, and the Commission's October 13, 2004 meeting, the applicant amended the proposal as follows: a) construct 285 residential living units in lieu of 299, b) eliminate the proposed seven townhouse/loft units on the ground floor level of the building fronting

Renaissance Street, c) construct 20,000 square feet of retail space as opposed to 17,340 square feet, and d) reduce and modify the height of the buildings that would front Renaissance Street and East Montgomery Avenue (See attached Staff Report).

The Planning Commission reviewed the application on October 27, 2004. After considering the information and testimony provided, the Commission voted to recommend to the Mayor and Council that PDP1994-0001E should not be approved as submitted (See attached Planning Commission Recommendation). The Commission's recommendation was provided to the Mayor & Council at its November 1, 2004 meeting, at which time a public hearing was held for the subject request.

At the public hearing, the applicant's representatives presented the proposal, noting the revisions that had been made to the initial development proposal in response to the concerns and issues the Planning Commission and Mayor and Council raised at its joint work session held on September 20, 2004. Eight persons spoke at the public hearing. The majority of the speakers indicated that the proposed buildings are too tall and were concerned about the impacts of the proposed number of residences. No written testimony has been received between the November 1, 2004 public hearing and November 29, 2004.

During the public hearing, the Mayor and Council raised a number of issues and concerns with the development proposal which included, but was not limited to, the following: a) vehicular parking calculations for the overall PDP project site area and those for the subject parcel, b) the percentage of retail space approved for the overall PDP site area and that proposed for the subject parcel, c) the proposed height and massing of the proposed buildings along Renaissance Street and East Montgomery Avenue, d) proposed sidewalk widths were viewed to not be consistent with other projects previously approved for the Town Center, etc.

After hearing all of the testimony and evidence provided, the Mayor and Council concluded the public hearing and voted to leave the public record open until December 6, 2004, at which time the Mayor and Council would further discuss the project and instruct staff as to how it wishes to proceed in consideration of the request.

#### **CURRENT PROPOSAL** (November 30, 2004)

The applicant has submitted a revised plan on November 30, 2004 to address concerns raised at the public hearing. These changes include:

1. Reducing the dwelling units from 285 to 260.
2. Increasing retail space from 20,000 to 23,000 square feet.
3. Increasing the depth of retail on East Montgomery Avenue and Renaissance Street to 50 feet.
4. Reduced height along Renaissance Street from 170 to 151.5 feet (above the 448 foot level) with an increased setback.
5. Reduced height along Middle Lane from 125 to 93.5 feet (above the 448 foot level).
6. Increased sidewalks on Maryland Avenue, E. Montgomery Avenue, and Renaissance Street from 15 to 20 feet wide by shifting the building five (5) feet to the east and removing parking spaces in the garage.

Staff finds that these changes address many of the issues raised by the Mayor and Council. These changes comply with the standards of the Ordinance. The building heights are lower than permitted and the sidewalk widths are wider than required. The Mayor & Council should indicate if these changes adequately address their concerns or if further modifications are required.

**PREPARED BY:**

Castor D. Chasten

Castor D. Chasten, Planner III

**APPROVE:**

Robert J. Spalding  
Robert J. Spalding, AICP, Chief of Planning

12-1-4  
Date

Arthur D. Chambers  
Arthur D. Chambers, AICP Director, CPDS

12-1-04  
Date

Scott Ullery  
Scott Ullery, City Manager

                      
Date

**LIST OF ATTACHMENTS:**

1. Staff Report.
2. Revised Site Development Proposal.

Planshare/mcbriefbook/1101/M&C-AG.Akridge2.doc